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FISCAL IMPACT REPORT



SPONSOR: Stewart DATE TYPED: 01/30/02 HB 69/aHJC

SHORT TITLE: Bernalillo Female Inmate Day Reporting Pilot SB _____

ANALYST: Trujillo

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	500.0		500.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received

- Administrative Office of the Courts (AOC)
- Bernalillo Metro Court (BMC)
- Administrative Office of the District Attorney's (AODA)
- Criminal Juvenile Justice Coordinating Council (CJJCC)
- Children Youth and Families Department (CYFD)
- Adult Parole Board (APB)
- Juvenile Parole Board (JPB)
- Corrections Department (CD)
- Crime Victims Reparation Commission (CVRC)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment strikes the word "inmates" and replaces it with the word "offenders".

Synopsis of Original Bill

House Bill 69 appropriates \$500,000 from the general fund to the Corrections Department for expenditure in fiscal year 2003 to contract for a Pilot Day Reporting Program for female inmates in Bernalillo County. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

Significant Issues

CD reports the most significant issue to the agency is the ambiguity or uncertainty with respect to what type of program is required by the bill. Specifically, the language “a pilot day reporting program for female inmates in Bernalillo County” is somewhat unclear. On one hand, a “day reporting program” ordinarily would involve persons who are not incarcerated and therefore are required to report to a certain location in the community for supervision services. On the other hand, the phrase “female inmates” ordinarily refers to persons who are incarcerated. Therefore, these two phrases seem inconsistent.

On a related matter, the phrase “for female inmates in Bernalillo County” seems to refer to inmates who are incarcerated in Bernalillo County. Since the CD does not maintain any prison facilities in Bernalillo County, it is unclear whether the bill is referring to female inmates who are presently incarcerated in the Bernalillo County Detention Center, or to females who were formerly New Mexico CD inmates but have now been released and are residing in Bernalillo County.

Another significant issue to CD is that there exists neither a definition under New Mexico law nor a history in the State of New Mexico as to what constitutes a “day reporting program”. Therefore, it is unclear as to how such a program would differ from existing Community Corrections programs or standard probation or parole programs.

CD reports the agency and the Department of Health have together recently contracted for a day reporting program for both males and females in Bernalillo County. The Program created by this bill maybe somewhat duplicative.

FISCAL IMPLICATIONS

The appropriation of \$500,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

CD reports since the bill directs the agency to enter into a contract for such services, the appropriation will be sufficient to cover the costs of the pilot program.

ADMINISTRATIVE IMPLICATIONS

CD reports the bill will result in a minor increase in the administrative burden on procurement personnel in the probation and parole division. This can probably be absorbed by the department.

The bill could result in a minor decrease in the administrative burden upon the department’s probation and parole officers if the day reporting program assisted in the supervision of persons who would otherwise be under the department’s supervision.

RELATIONSHIP

In FY02, \$1 million was appropriated to the Department of Health to provide coordinated-services with CD for substance abuse and treatment along with community reintegration for probationers and parolees. CD currently is focusing efforts on a transitional reporting center for parolees, which would provide support through a case management system and day and evening treatment programming. CD is expected to open two centers: one in the Albuquerque area in January 2002, and a second in Las Cruces by June 2002.

TECHNICAL ISSUES

AODA reports, this bill provides almost no information regarding the actual program which makes it difficult to analyze from a criminal justice perspective. Is this program in lieu of incarceration? Is it retroactive to inmates already in the system? Is it an additional alternative to Intensive Supervision Probation? Is it limited to residents of Bernalillo County, or can it include female offenders who are willing to serve probation or parole time in Bernalillo County? Is it meant to be a reintegration program and if so what level of inmate would be eligible? Would participation in either a treatment, education, or work program be a requirement? Is the purpose of such a program to unite female offenders with their children, and if so will they be required to live with and support their children while in the program? Are they required to report daily to the program, and what are the consequences if they do not?

OTHER SUBSTANTIVE ISSUES

According to AODA, if DAs and Judges have no say so about who is eligible for this program, is the total discretion up to the CD? If so, how early in an inmate's prison sentence can the CD transfer the inmate to this program? Could this possibly violate any plea agreement with a DA's Office or a Judgment and Sentence as ordered by a judge? Is this a reintegration program such as work or school release for minimum custody inmates, or can they become eligible for transfer to this program at any point in their sentence? If so, there is no language in this bill giving the CD authority to override a plea agreement or a judge's order of sentence.

LAT/ar:sb